

REMARKS

Claims 1, 7, 13 and 15-38 are pending. Claims 26-28 and 32-38 stand withdrawn from consideration as a non-elected invention under a final restriction requirement. By the present amendment, claims 7, 22, and 25-38 are canceled, without prejudice.

Applicants have considered each of the rejections raised, and offer the following amendments and remarks in response. The amendments are appropriate after final as they only delete the claims or adopt suggestions of the Examiner, and they place the application in better position for allowance or Appeal. A Notice of Appeal is filed herewith. Reconsideration of the rejections is respectfully requested.

Specification

The web address on page 7, lines 1-33, of the specification, which was objected to by the Examiner, has been deleted.

Rejections Under 35 U.S.C. § 112

The specification is objected to and the claims rejected under 35 U.S.C. § 112 on the basis, according to the Applicants' understanding, of alleged inadequate written description and enablement. The Examiner appears to agree that claims to SEQ ID NO: 15, and the use thereof for seed-specific expression, are adequately enabled and described, but asserts that claims drawn to sequences that hybridize under stringent conditions to SEQ ID NO: 15, or to broader sequences that exhibit a high degree of identity to SEQ ID NO: 15, are not enabled or described. While Applicants submit that the specification provides both sufficient enablement and adequate written description for the broader sequences, to expedite prosecution, the claims have been amended to recite SEQ ID NO: 15 alone and Applicants therefore request that these rejections be withdrawn. Applicants reserve the right to prosecute the broader claims in any future related application, and respectfully request that the Examiner not renew claim rejections under 35 U.S.C. § 112 in the above-referenced case.

Acknowledgement of Prior Filings

Applicants request that the Examiner please acknowledge certain documents previously filed in this matter, for which no acknowledgement has yet been received. Copies of the indicated Papers, accompanying transmittal letters, and Postcards showing the date of receipt at the Patent Office are

attached hereto as **Exhibits A-E** (as listed below). If the Examiner requires that duplicate copies of the documents originally submitted with the listed Information Disclosure Statements (IDSs), or the Sequence Listing submitted with the listed Supplemental Response, please call the undersigned immediately.

Exhibit	Paper(s) Filed	Date Mailed to PTO	Date Received at PTO*	# of Pages in Exhibit
A	IDS with 13 references	May 3, 2001	May 7, 2001	5
B	IDS with 3 references	May 31, 2001	June 4, 2001	4
C	IDS with 6 references	July 3, 2001	July 9, 2001	4
D	IDS with 16 references	August 3, 2001	August 7, 2001	5
E	Supplemental Response with replacement Sequence Listing	December 6, 2002	December 10, 2002	5

*(based on Postcard stamp)

Applicants respectfully request that in the next Office communication the Examiner indicate that he has received each of the listed IDSs by returning a copy of each Form 1449 with the references initialed, showing they were considered during prosecution. In addition, Applicants request that the Examiner acknowledge that the indicated Supplemental Response was received, that it has properly been made of record in the file, and that the Sequence Listing was replaced.

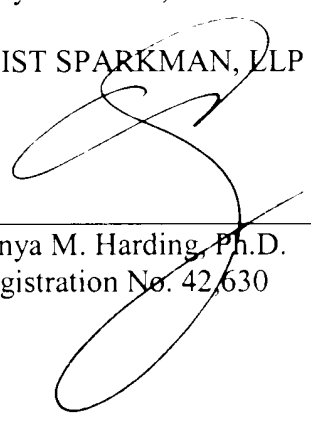
Conclusion

The Applicants submit that the pending claims are enabled and adequately described, and respectfully request that a timely Notice of Allowance be issued in this case. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone the undersigned at (503) 226-7391.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



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5391 4810-58741 48619

PATENT
Attorney Reference Number 4810-58741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit: Not yet assigned

Application No. 09/806,708

CERTIFICATE OF MAILING

Filed: April 3, 2001

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 3, 2001, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: May 3, 2001

Tanya M. Harding, Ph.D.
Attorney for Applicant

TRANSMITTAL LETTER

COPY

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COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Enclosed for filing in the application referenced above are the following:

AUG 19 2003

- ☒ Information Disclosure Statement
- ☒ Form 1449 and references cited thereon

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- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By

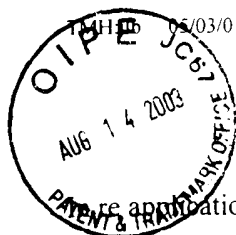
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cc: Docketing



PATENT



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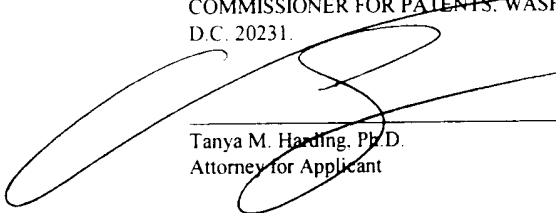
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Tanya M. Harding, Ph.D.
Attorney for Applicant

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)

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COMMISSIONER FOR PATENTS
Washington, DC 20231

TECH CENTER 1600 2900

Sir:

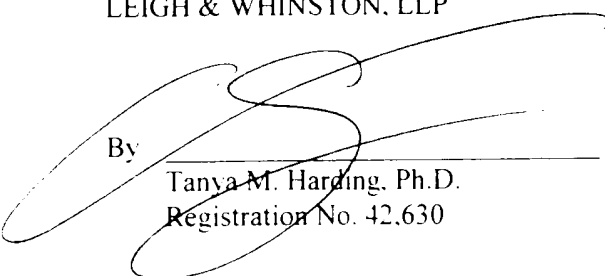
Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

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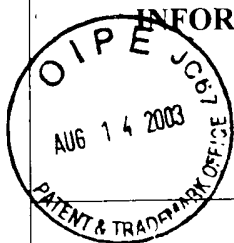
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INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

Docket: 4810-58741

App: 09/806,708

Applicant: Kunst and Clemens

Filed: April 3, 2001

Art Unit: Not yet assigned

FOREIGN PATENT DOCUMENTS

		Number	Date	Country	Class	Sub	
		WO 9515387	6/8/95	WIPO			
		WO 9613582	5/9/96	WIPO			
		WO 9846766	10/22/98	WIPO			
		WO 9854954	12/10/98	WIPO			
		WO 9903983	1/28/99	WIPO			
		WO 9954471	10/28/99	WIPO			

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OTHER DOCUMENTS

		Kunst <i>et al.</i> , "Fatty acid elongation in developing seeds of <i>Aarabidopsis thanliana</i> ," <i>Plant Physiolog. Biochem.</i> 30(4):425-434, 1992
		James <i>et al.</i> , "Directed Tagging of the <i>Arabidopsis FATTY ACID ELONGATION1 (FAE1)</i> gene with the Maize Transposon <i>Activator</i> ," <i>Plant Cell</i> 7:309-319, March 1995
		Venkateswari <i>et al.</i> , "Molecular Cloning and Characterization of <i>FATTY ACID ELONGATION1 (BjFAE1)</i> gene of <i>Brassica juncea</i> ," <i>J. Plant Biochem. Biotech.</i> 8(1):53-55, January 1999
		Millar <i>et al.</i> , "CUT1, an <i>Arabidopsis</i> gene required for cuticular wax biosynthesis and pollen fertility, encodes a very-long-chain fatty acid condnsing enzyme," <i>Plant Cell</i> , 11(5):825-838, May 1999

EXAMINER:

DATE

*Examiner: Initial if considered, whether or not in conformance with MPEP 609; draw line through cite if not in conformance and not considered. Send copy.



INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

Docket: 4810-58741

App: 09/806,708

Applicant: Kunst and Clemens

Filed: April 3, 2001

Art Unit: Not yet
assignedJames *et al.*, EMBL Accession No. U29142, July 21, 1995Roscoe *et al.*, EMBL Accession No. U50771, April 4, 1996

Clemens and Kunst, EMBL Accession No. AF009563, October 7, 1997

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CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/806,708 FILING DATE 4-3-01
The following, due _____, mailed 5-3-01
by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Notice to File Msg. Parts - Date _____	<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Comb. Decl./POA	<input type="checkbox"/> Notice of Allowability	
<input type="checkbox"/> Verif'd. Stmt. Claiming Sm. Entity Status	<input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Formal	
<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS <input checked="" type="checkbox"/> Form PTO-1449/Ref.	
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTOL-85b	<input type="checkbox"/> Petition	
<input type="checkbox"/> Issue & Advance Order fees	<input checked="" type="checkbox"/> Transmittal Ltr. <input checked="" type="checkbox"/> dupl. <input type="checkbox"/> tripl.	
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration	<input type="checkbox"/> Small Entity	<input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to: _____ PTO 1595		
<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

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CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/806,708 FILING DATE 4-3-01
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Stamp: MAY 07 2003
Stamp: JC617 Rec'd PCT/PTC 07 MAY 2003



05/31/01 4810-58741 5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: application of: Kunst and Clemens

Art Unit: Not yet assigned

Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: May 31, 2001

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on May 31, 2001 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

Tanya M. Harding, Ph.D.
Attorney for Applicant

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)**

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COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

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Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

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	Docket: 4810-58741	App: 09/806,708
	Applicant: Kunst and Clemens	
	Filed: April 3, 2001	Art Unit: Not yet assigned

U.S. PATENT DOCUMENTS

Init.*	Number	Date	Name	Class	Sub	Filed
	5,792,922	Aug. 11, 1998	Maloney			
	5,623,067	Apr. 22, 1997	Vandekerckhove <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

Number	Date	Country	Class	Sub
WO 98/45461	Oct. 15, 1998	PCT		

OTHER DOCUMENTS

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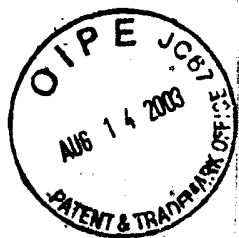
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EXAMINER:

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CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:JLB
INVENTOR(S): Kunst & Clemens
SERIAL NO. 09/806,708 FILING DATE 4-3-01
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<input type="checkbox"/> In connection with Issuance of a Patent:	<input checked="" type="checkbox"/> IDS <input checked="" type="checkbox"/> Form PTO-1449/Ref. (3)	
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<input type="checkbox"/> Check No. _____ for \$ _____	<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	
<input checked="" type="checkbox"/> 2nd Preliminary Amendment		
<input checked="" type="checkbox"/> Marked UP version of Claims		

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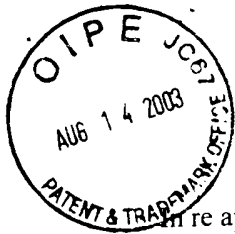
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JUN 13 2001
JC13 Rec'd PCT/PTO 04 JUN 2001

CLIENT/MATTER NO. 4810-58741 ATTY/SEC TMH:JLB
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In re application of: Kunst and Clemens

Art Unit: Not yet assigned

Application No. 09/806,708

Filed: April 3, 2001

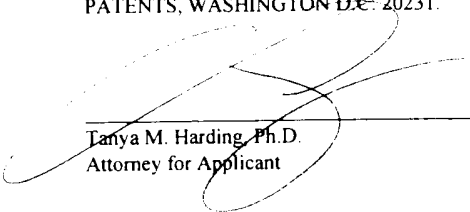
For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Not yet assigned

Date: July 3, 2001

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Tanya M. Harding, Ph.D.
Attorney for ApplicantTRANSMITTAL LETTERCOMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

COPY

Enclosed for filing in the application referenced above are the following:

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- ☒ Supplemental Information Disclosure Statement
☒ Form 1449 and (6) references cited thereon
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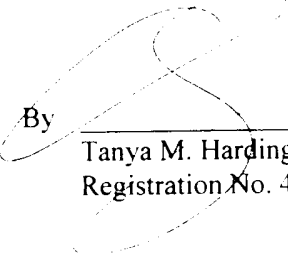
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Respectfully submitted,

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LEIGH & WHINSTON, LLP

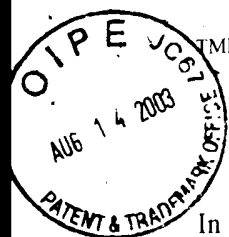
By


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Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing





TMH:jlb 07/03/01 4810-58741

PATENT

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Tanya M. Harding, Ph.D.
Attorney for Applicant

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(2)

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WASHINGTON, DC 20231

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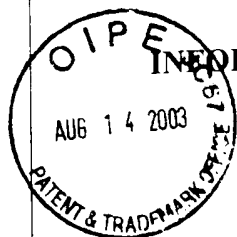
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**INFORMATION DISCLOSURE
STATEMENT**

BY APPLICANT

Docket: 4810-58741

App: 09/806,708

Applicant: Kunst and Clemens

Filed: April 3, 2001

Art Unit: Not yet
assigned

OTHER DOCUMENTS

James *et al.*, "Directed Tagging of the Arabidopsis *FATTY ACID ELONGATION (FAE1)* Gene with the Maize Transposon Activator," *Plant Cell* 7:309-319, March 1995

Kunst *et al.*, "Fatty acid elongatio in developing seeds of *Arabidopsis thaliana*," *Plant Physiol. Biochem.* 30(2):425-434, 1992

Millar *et al.*, "*CUT1*, an Arabidopsis Gene Required for Cuticular Wax Biosynthesis and Pollen Fertility, Encodes a Very-Long-Chain Fatty Acid Condensing Enzyme," *Plant Cell* 11:825-838, May 1999

Clemens and Kunst, Accession No. AF009563, July 24, 1997

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INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/806,708 FILING DATE 4-3-01
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<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration		<input type="checkbox"/> Small Entity <input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to: _____		<input type="checkbox"/> PTO 1595
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CLIENT/MATTER NO. 4811-58741 ATTY/SEC TMH:jlb
INVENTOR(S): Kunst and Clemens
SERIAL NO. 09/806,708 FILING DATE 4-3-01
The following, due _____, mailed 7-3-01
by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Notice to File Msg. Parts - Date _____	<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Comb. Decl./POA	<input type="checkbox"/> Notice of Allowability	
<input type="checkbox"/> Verf'd. Stmt. Claiming Sm. Entity Status	<input type="checkbox"/> Sht(s) Drawings <input type="checkbox"/> Formal	
<input type="checkbox"/> In connection with Issuance of a Patent:		<input checked="" type="checkbox"/> IDS(Supp) <input checked="" type="checkbox"/> Form PTO-1449/Ref. (6)
<input type="checkbox"/> Supp. Declaration <input type="checkbox"/> Form PTO-85b		<input type="checkbox"/> Petition
<input type="checkbox"/> Issue & Advance Order fees		<input checked="" type="checkbox"/> Transmittal Ltr. <input checked="" type="checkbox"/> dupl. <input type="checkbox"/> tripl.
<input type="checkbox"/> Surcharge - Late Filing Fee, Oath, or Declaration		<input type="checkbox"/> Small Entity <input type="checkbox"/> All Others
<input type="checkbox"/> Assignment to: _____		<input type="checkbox"/> PTO 1595
<input type="checkbox"/> Check No. _____ for \$ _____	<input type="checkbox"/> Deposit Acct. 02-4550 Authority	

526 Rec'd PCT/PTO 09 JUL 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit:

Application No. 09/806,708

CERTIFICATE OF MAILING

Filed: April 3, 2001

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on August 3, 2001, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner:

Date: August 3, 2001

Tanya M. Harding
Attorney for Applicant

TRANSMITTAL LETTER

COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

**COPY
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Enclosed for filing in the application referenced above are the following:

AUG 19 2001

- ☐ Supplemental Information Disclosure Statement
- ☐ Form 1449 and references (16) cited thereon
- ☐ Please return the enclosed postcard to confirm that the items listed above have been received.

TECH CENTER

The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.

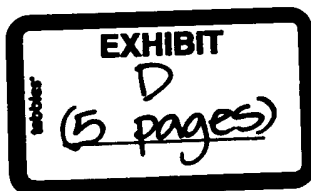
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By:

Tanya M. Harding, Ph.D.
Registration No. 42,630

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
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Facsimile: (503) 228-9446
cc: Client
Docketing



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Application No. 09/806,708

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

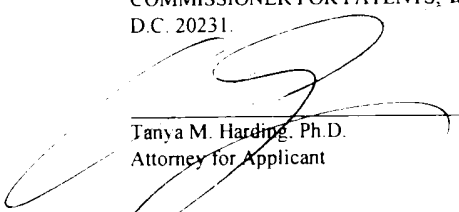
Examiner: Not yet assigned

Date: August 3, 2001

Art Unit: Not yet assigned

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Tanya M. Harding, Ph.D.
Attorney for Applicant

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)

COMMISSIONER FOR PATENTS
Washington, DC 20231

Sir:

Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Applicants filed this Information Disclosure Statement before the mailing of a first Office Action on the merits. However, if the Patent Office determines that a fee is required for Applicants to file this Information Disclosure Statement, please see the attached transmittal sheet for deposit account authorization.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By: 

Tanya M. Harding, Ph.D.
Registration No. 42,630

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121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Docket: 4810-58741	App: 09/806,708
			Applicant: Kunst and Clemens	
			Filed: April 3, 2001	Art Unit:
OTHER DOCUMENTS				
			Benfey <i>et al.</i> , "Regulated genes in transgenic plants," <i>Science</i> 244:174-181, 1989	
			Bevan <i>et al.</i> , "Tissue- and cell-specific activity of a phenylalanine ammonia-lyase promoter in transgenic plants," <i>EMBO J.</i> 8:1899-1906, 1989	
			Katavic <i>et al.</i> , " <i>In planta</i> transformation of <i>Arabidopsis thaliana</i> ," <i>Mol. Gen. Genet.</i> 245:363-370, 1994	
			Koncz <i>et al.</i> , "The promoter of T _L -DNA gene 5 controls the tissue-specific expression of chimaeric genes carried by a novel type of <i>Agrobacterium</i> binary vector," <i>Mol. Gen. Genet.</i> 204:383-396, 1986	
			Lee <i>et al.</i> , "Manipulation of plant gene expression using antisense RNA," In: <i>Plant Biochemistry/Molecular Laboratory Manual</i> pp. 423-439, Dashek, WV, ed., CRC Press, Inc. Boca Raton, 1996	
			Murphy <i>et al.</i> , "Immunocytochemical and biochemical study of the biosynthesis and mobilisation of the major seed storage proteins of <i>Brassica napus</i> ," <i>Plant. Physiol. Biochem.</i> 27:647-657, 1989	
			Stalberg <i>et al.</i> , "Disruption of an overlapping E-box-ABRE motif abolished high transcription of the napA storage-protein promoter in transgenic <i>Brassica napus</i> seeds," <i>Plant</i> 199:515-519, 1996	
			Voelker <i>et al.</i> , "Genetic engineering of a quantitative trait: metabolic and genetic parameters influencing the accumulation of laurate in rapeseed," <i>Plant J.</i> 9:229-241, 1996	
			Rowley <i>et al.</i> , "The upstream domain of soybean olesin genes contains regulatory elements similar to those of legume storage proteins," <i>Biochim. Biophys. Acta</i> 1345:1-4, 1997	
EXAMINER:			DATE	

*Examiner: Initial if considered, whether or not in conformance with MPEP 609:
draw line through cite if not in conformance and not considered. Send copy.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Docket: 4810-58741	App: 09/806,708
			Applicant: Kunst and Clemens	
			Filed: April 3, 2001	Art Unit:
OTHER DOCUMENTS				
			Morton <i>et al.</i> , "Regulation of Seed Storage Protein Gene Expression," Kigel and Gallili, eds., pp. 103-138, Marcel Dekker, New York, 1994	
			Kawagoe <i>et al.</i> , "Four distinct nuclear proteins recognize <i>in vitro</i> the proximal promoter of the bean seed storage protein β -phaseolin gene conferring spatial and temporal control," <i>Plant J.</i> 2:927-936, 1992	
			Shen <i>et al.</i> , "Functional Dissection of an Absciscic Acid (ABA) – Inducible Gene Reveals Two Independent ABA – Responsive Complexes Each Containing a G-Box and a Novel <i>cis</i> -Acting Element," <i>Plant Cell</i> 7:295-307, 1995	
			Dickinson <i>et al.</i> , "RY repeats are conserved in the 5'-flanking regions of legume seed-protein genes," <i>Nucleic Acid Res.</i> 16:371, 1988	
			Lelievre <i>et al.</i> , "5'-CATGCAT-3' Elements Modulate the Expression of Glycinin Genes" <i>Plant Physiol.</i> 98:387-391, 1992	
			Chen <i>et al.</i> , "A DNA sequence element that confers seed-specific enhancement to a constitutive promoter," <i>EMBO J.</i> 7:297-302, 1988	
			Shen <i>et al.</i> , "Modular Nature of Absciscic Acid (ABA) Response Complexes: Composite Promoter Units That Are Necessary and Sufficient for ABA Induction of Gene Expression in Barley," <i>Plant Cell</i> 8:1107-1119, 1996	
EXAMINER:			DATE	
*Examiner: Initial if considered, whether or not in conformance with MPEP 609: draw line through cite if not in conformance and not considered. Send copy.				

CLIENT/MATTER NO. 4810-58741 ATTY/SEC IMH-jlb

INVENTOR(S): Kunst & Clemens

APP. NO. 09/806,708 FILING DATE 4-3-01

The following, due _____, mailed 8-3-01

by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input type="checkbox"/> Amendment	<input type="checkbox"/> Marked Up Claims/Spec.	<input type="checkbox"/> After Final Rejection
<input type="checkbox"/> Extension of Time/Extension Fee for _____ Months		
<input type="checkbox"/> Notice to File Missing Parts - Date _____		<input type="checkbox"/> Ltr to Draftsperson
<input type="checkbox"/> Notice to File Corrected App. Papers - Date _____		<input type="checkbox"/> Notice-Allowability
<input type="checkbox"/> Comb. Dec./POA	<input type="checkbox"/> Sht(s) Drawings	<input type="checkbox"/> Late Fee
<input type="checkbox"/> Issue Fee Transmittal (Form PTOL-85b)		<input type="checkbox"/> Sequence Listing _____ pages
<input type="checkbox"/> Supp. Dec.		<input type="checkbox"/> Issue/Adv. Order fees
<input type="checkbox"/> Stmt in Comp.		<input type="checkbox"/> Disk
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Recordal Sheet		
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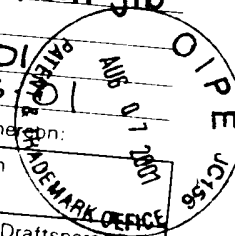
CLIENT/MATTER NO. 4810-58741

INVENTOR(S): Kunst & Clemens

APP. NO. 09/806,708 FILING DATE 4-3-01

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by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/806,708

CERTIFICATE OF MAILING

Filed: April 3, 2001

For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 6, 2002 as First Class Mail in an envelope addressed to: U.S. PATENT AND TRADEMARK OFFICE, BOX SEQUENCE, P.O. BOX 2327, ARLINGTON, VA 22202.

Examiner: Stuart Baum

Date: December 6, 2002

Richard J. Polley
Attorney for Applicant

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AUG 19 2003

TRANSMITTAL LETTER

TECH CENTER 1600 2900

U.S. PATENT AND TRADEMARK OFFICE
BOX SEQUENCE
P.O. BOX 2327
ARLINGTON, VA 22202

COPY

Enclosed are a Supplemental Amendment and a Statement in Compliance with 37 C.F.R. § 1.821(f) for the above-referenced application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	27	- 27*	= 0	\$18.00	\$ 00.00
Indep. Claims	6	- 6**	= 0	\$84.00	\$ 00.00
Mult. Dep. Claims Fee (if not previously paid)				\$280.00	
One-month Extension of Time				\$110.00	
Two-month Extension of Time				\$400.00	
Three-month Extension of Time				\$920.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 00.00

* greater of twenty or number for which fee has been paid
 ** greater of three or number for which fee has been paid

- ☒ No fee should be required for filing the accompanying Supplemental Amendment and Statement in Compliance with 37 C.F.R. § 1.821(f).
- ☒ For an amendment mailed to the Patent and Trademark Office on November 19, 2002, a



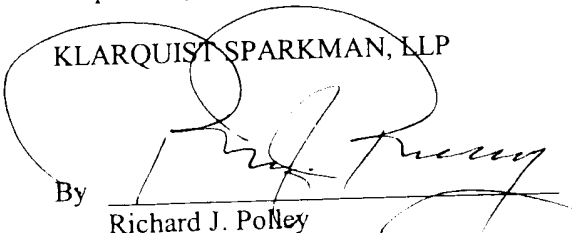
charge in the amount of \$389.00 was authorized for expenses associated with the filing of the amendment. It was subsequently noted that \$389.00 was not the correct amount because it was calculated at the small entity rate. It is believed that the correct amount is \$778.00. Presumably the correct amount (\$778.00) was charged to Deposit Account No. 02-4550 and no additional fee is due. But if less than the entire amount was charged, please charge the balance required in connection with filing the November 19, 2002 amendment and extension of time to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

- ☐ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☐ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Richard J. Polley
Registration No. 28,107

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
Accounting
Docketing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kunst and Clemens

Art Unit: 1638

Application No. 09/806,708

Filed: April 3, 2001

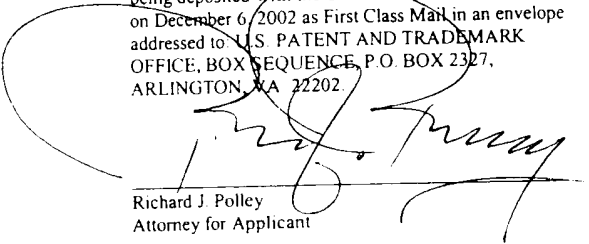
For: REGULATION OF EMBRYONIC
TRANSCRIPTION IN PLANTS

Examiner: Stuart Baum

Date: December 6, 2002

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 6, 2002 as First Class Mail in an envelope addressed to U.S. PATENT AND TRADEMARK OFFICE, BOX SEQUENCE, P.O. BOX 2327, ARLINGTON, VA 22202.


Richard J. Polley
Attorney for Applicant

SUPPLEMENTAL AMENDMENT

U.S. PATENT AND TRADEMARK OFFICE
BOX SEQUENCE
P.O. BOX 2327
ARLINGTON, VA 22202

This amendment is filed to supplement Applicant's amendment and response dated November 19, 2002, which was filed in response to the Office action dated June 19, 2002 (Paper No. 11).

Please amend as follows.

In the Sequence Listing:

Please replace the entire sequence listing with the replacement sequence listing provided herein.

REMARKS

By this supplemental amendment, the entire sequence listing is replaced with the replacement sequence listing provided herein. Pursuant to 37 C.F.R. § 1.825, Applicants provide

replacement pages for the sequence listing, a computer readable copy of the amended sequence listing, and a Statement in Compliance.

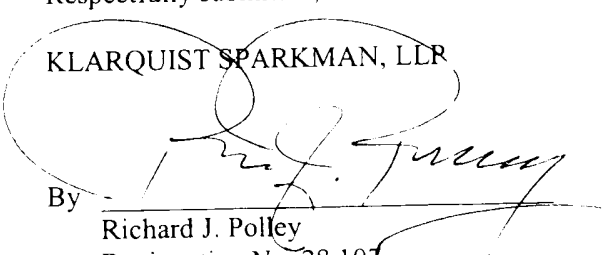
By this amendment, a change is made to SEQ ID NO: 16, which previously included 900 nucleotides of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence. By the present amendment, SEQ ID NO: 16 is amended to include the entire 934 nucleotide sequence of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence shown in Figure 1. Support for this amendment can be found in Figure 1 of the specification as originally filed. Specifically, Figure 1 as originally filed includes the entire 934 nucleotide sequence of the *Arabidopsis thaliana* FAE1 transcription regulatory sequence. Hence, no new matter is added by this amendment.

Applicants respectfully submit that the claims are in condition for allowance, and action to that effect is requested. If for any reason the Examiner believes that a telephone conference would expedite allowance of the claims, please telephone Applicants' representative at the number below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Richard J. Polley
Registration No. 28,107

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

CLIENT/MATTER NO. 4810-58741/TMH ATTY/SEC TMH/RJP:CMS

INVENTOR(S): Kunst, et al.

APP. NO. 09/806,708 FILING DATE 4/3/01

The following, due 11/19/02, mailed 12-6-02

by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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<input type="checkbox"/> Extension of Time/Extension Fee for <input type="checkbox"/> Months					
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<input type="checkbox"/> Notice to File Corrected App. Papers - Date			<input type="checkbox"/> Notice-Allowability		
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<input checked="" type="checkbox"/> Transmittal Ltr. + <u>1</u> <input checked="" type="checkbox"/> 2 copy(ies)		<input type="checkbox"/> Request for Corrected Filing Receipt			
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AUG 19 2003

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CLIENT/MATTER NO. 4810-58741/TMH

INVENTOR(S): Kunst, et al.

APP. NO. 09/806,708

The following, due 11/19/02, mailed 12-6-02

by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

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